

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL LATOURETTE,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

CASE NO. C12-0564 BHS-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

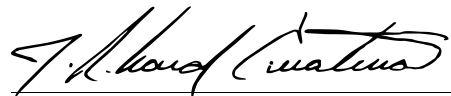
The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636 (b) (1) (A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

Plaintiff asks that the Court appoint counsel to represent him (ECF No. 24). There is no right to have counsel appointed in cases brought pursuant to 42 U.S.C. § 1983. Although the court can request counsel to represent a party pursuant to 28 U.S.C. § 1915 (e) (1), the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the

1 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues
2 involved. *Wilborn*, 789 F.2d at 1331.

3 Plaintiff complains of an assault by another inmate. Plaintiff alleges that prison officials
4 failed to protect him and that they failed to intervene to prevent injury (ECF No. 12). Plaintiff
5 has demonstrated an ability to articulate his claims pro se. Plaintiff has not shown a likelihood of
6 success on the merits. For these reasons, plaintiff's motion for appointment of counsel is
7 DENIED.

8 DATED this 22nd day of August, 2012.

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12 J. Richard Creatura
13 United States Magistrate Judge
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